

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 2, 4, and 17 are pending, with Claim 1 being independent. Claims 1, 4, and 17 have been amended.

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicant gratefully wishes to thank the Examiner for the courtesies extended in granting and conducting on June 27, 2008, a telephonic interview with Applicant's representative. During the interview, Applicant's representative and the Examiner discussed the March 28, 2008 Official Action, and Applicant understands from the interview that the Examiner is in tentative agreement that the holding of non-responsiveness would be withdrawn if Claim 1 were amended to recite the surface attachment feature that the claim had on July 3, 2007. In view of the foregoing, Applicant has amended Claim 1 to return it to its previous form while adding to the end of the claim the expression --wherein the substrate and the light emitting element are made of the same semiconductor material-- (which expression should not affect the withdrawal of the holding of non-responsiveness). Favorable consideration is earnestly solicited.

FURTHER REMARKS

Claims 1, 2, and 4 again were rejected under 35 U.S.C. § 102 over US 2003/0039455 A1 (Ouchi, et al.) (EP 1 286 194 A2 and US 6,829,398 B2). All rejections are respectfully traversed.

Claim 1 recites, *inter alia*, that an integral semiconductor body comprises each of the light emitting element and the substrate (having an optical path transforming structure), whereby a surface of the light emitting element and a surface of the substrate are attached to each other, wherein the substrate and the light emitting element are made of the same semiconductor material.

However, Applicant respectfully submits that Ouchi, et al. fails to disclose or suggest at least the above-discussed claimed features as recited, *inter alia*, in Claim 1.

The Official Action asserts that Ouchi, et al.'s item 3 or 7 is the claimed substrate. Applicant respectfully traverses this assertion. Applicant respectfully submits that Ouchi, et al.'s optical path converting unit 3 is made of a polymer, not a semiconductor, and Ouchi, et al.'s light emitting device 2, optical path converting unit 3, and item 7 are not in an integral semiconductor body as claimed; accordingly, neither of Ouchi, et al.'s items 3 and 7 can possibly be the claimed substrate.

Applicant further respectfully submits that there has been no showing of any indication of motivation in the cited document that would lead one having ordinary skill in the art to arrive at such claimed features. By means of such features, Applicant respectfully submits that the light emitting element and the optical path transforming structure can be easily aligned so that the light emitted from the former can be coupled to the latter, and to an optical waveguide. Of course, the claims are not limited to the foregoing or to the disclosed embodiments.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed

above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicant
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DSG/ijr

FCHS_WS 2254768v1